

## **COMMITTEE TO EXPEDITE CHILD PROTECTION APPEALS**

Thursday March 25, 2010 @ 10:00 am, Appellate Court Conference Room, 75 Elm Street in Hartford.

Attendance: Judge Flynn, Chief Judge of the Appellate Court, Judge Keller, Chief Administrative Judge for Juvenile Matters, Judge Foley, Attorney Susan Pearlman, Attorney Carolyn Signorelli, Attorney Paul Hartan, Attorney Jill Begemann, and Attorney Cynthia Cunningham

### **Materials Distributed**

Agenda; Amended Meeting Minutes 3/4/10; Case List prepared by Nancy Brown; Case List prepared by Attorney Paul Hartan; PB Rule 63-6; Index of Documents Submitted for Consideration, prepared by Judge Foley; Steps Taken To Expedite Child Protection Cases; Proposed Amendments to PB 63-3.

### **Meeting Minutes**

Judge Flynn conducted a thorough review of the 3/4/10 meeting minutes and provided a detailed explanation of corrections and amendments. After some brief discussion and agreement on the amendments, Judge Flynn moved to accept the minutes as amended, and it was unanimously approved.

**I. Expedited Transcripts** - Judge Flynn indicated that attorneys need transcripts to write their briefs and the AC needs the briefs in order to schedule the case for argument.

Judge Flynn formed a subcommittee consisting of: Judge Keller, Judge Foley and Attorney Signorelli to explore issues related to expedited transcripts, including: 1.) Is there enough money available for attorneys to get expedited transcripts?; 2.) are the attorneys requesting them?; 3.) how can this be monitored at the trial court level?; 4.) how to handle cases with non-indigent litigants that don't involve CCPA attorneys?

Attorney Signorelli indicated that CCPA does have the money to pay for expedited transcripts and that current CCPA procedures require the attorneys to request expedited transcripts. Attorney Damboise has issued specific "how to" instructions on appeals, which include ordering an expedited transcript. CCPA has also been working with Nancy Brown.

### **Suggestions/Comments:**

- Judge Keller – can the attorneys have access to the FTR disk?
- Judge Foley – Justice Katz's committee is looking at new methods of transcribing.

- Can we look at cases where expedited transcripts were not requested to determine if it delayed the AC process?

II. Fee Waivers/Motions to Extend - Judge Foley indicated that fee waivers and motions to extend (MTE) can delay the initial filing of the appeal. Some attorneys request a MTE and get 20 additional days to file; they then file the fee waiver and get 20 more days, plus the 20 days for hearing on the fee waiver per the current rules.

Judge Flynn formed a subcommittee consisting of: Judge Keller, Judge Foley and Attorney Cunningham to explore issues related to fee waivers and MTE filed prior to the appeal being filed including: 1.) Should we propose PB rule changes?; 2.) if indigency has previously been found, do we need a fee waiver for the appeal?;

Suggestions/Comments:

- Applicants may not always disclose all relevant financial information on their fee waiver applications.
- Judge Keller – PB 3-10 currently requires parents to file a new application for TPRs.
- Jeisean case – trial court judges can't deny fee waivers because an appeal has no merit; trial judges tend to grant fee waivers.
- Judge Flynn – will be submitting a proposed rule change requiring the client to sign the appeal form.

III. Trial Court Record - Judge Flynn indicated that the Appellate Court Clerks are not getting the trial court file “record” within 10 days of filing the appeal, which the rule mandates. Judge Flynn has reviewed the list of cases where there were delays, and indicated that in some cases it becomes quite egregious.

Judge Flynn formed a subcommittee consisting of Judge Keller, Judge Foley, Attorney Hartan and Attorney Cunningham to explore issues related to timely receipt of the SCJM record by the AC clerk, including: 1.) Which specific local SCJM are not complying with the 10 day rule?; 2.) what is causing the delay?; 3.) how to address delays?; 4.) how does it impact on AC motions?

AC needs the trial court record in order to prepare and print the “yellow” record. The Appellate Clerk pares down the record from the trial court by culling out pleadings reflective of the issues on appeal, and they create the yellow record.

Delays receiving the trial court record become especially problematic if there are appellate motions pending.

Judge Foley indicated that most of the time the record is being sent timely and provided an example of the list of documents that are routinely provided to the AC. How much of the trial court file actually needs to be transmitted to the AC?

Judge Flynn responded that it is very difficult to know in advance which documents may not be necessary at the AC.

Suggestions/Comments:

- Develop an automated system to track the documents.
- Provide scanners for document. Judge Flynn indicated that hard copies will still be necessary as the AC has no secretarial staff to print out the documents, nor enough copy machines.
- Judge Flynn suggested printing out list of cases that have been appealed and provide it to Judges so they can monitor the sending of the record.
- Attorney Pearlman suggested providing copies of the transmittal form to attorneys of record.

IV. Additional Issues - Judge Flynn provided a list of the steps taken already by the AC to expedite child protection cases and provided a detailed review of each step.

Judge Flynn provided draft amendments to PB rule 63-3 requiring the party to sign the appeal form in juvenile matters cases. There was brief discussion of the proposed amendment and then it was unanimously approved by the committee. Judge Flynn wants to get the proposal on the next AC Rules Committee meeting agenda.

Attorney Pearlman raised the issue of a pro-se appellant's failure to file the preliminary documents required by PB 63-4. Attorney Hartan indicated that these matters currently go on the AC calendar. He suggested that if the AGs office filed a motion to dismiss, that would probably save time.

*All three subcommittees will meet on 3/30/10 at the CCPA offices on 330 Main Street in Hartford at 10:00 am.*